



UNITED STATES SENATE
**REPUBLICAN
POLICY COMMITTEE**

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First the Pledge of Allegiance, and Now Mother's Day?!?!

Why a Pro-Women Senate Should Not Ratify CEDAW

First the 9th Circuit declared the Pledge of Allegiance to be unconstitutional. Now, some Senators seem to want to eliminate Mother's Day. How? By ratifying the United Nations *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW). And eliminating Mother's Day is not, by a long shot, the most serious problem with CEDAW.

On July 30, 2002, just before the August recess, the Foreign Relations Committee voted 12-7 to report CEDAW. Republican Senators Helms, Lugar, Hagel, Frist, Allen, Brownback, and Enzi voted against reporting the treaty.

CEDAW – the “Rip Van Winkle” treaty – was first submitted to the Senate by President Carter in 1980, but it lay dormant for 14 years. In 1994, President Clinton sought Senate action on CEDAW, yet the treaty was too divisive to reach the Senate floor. In fact, in its 22-year history, the treaty has never come to a full vote. Why? Because this treaty has serious problems.

The CEDAW Agenda

CEDAW member states are subject to periodic reviews by the CEDAW Committee on the Elimination of Discrimination Against Women, a group of so-called women's “experts” who determine a nation's progress in fulfilling the treaty's terms. The Committee's experts come from member countries like Cuba, China, Nigeria, Indonesia, and other countries hostile to U.S. views on equality, human rights, and the rule of law. While the Committee cannot directly enforce its rulings, it can use political and international pressure to advance its rulings.

Over the past twenty years, the CEDAW Committee has issued reports regarding the laws of various CEDAW member countries. Below are four comparisons between CEDAW Committee rulings and current U.S. policy:

1. Women in Combat

- ▶ **CEDAW Committee:** *“Examination of the reports of States parties also demonstrates that in certain cases the law excludes women from . . . full participation in the military. . . . [This] contravene[s] the principles of the Convention.”* (CEDAW General Recommendations No. 23 (General Comments), 16th Sess. (1997), Para. 31.)
- ▶ **U.S. Policy:** The United States does not allow women “full participation in the military”– at least as CEDAW defines it. Women in the Armed Forces of the United States are excluded from assignments to units below the brigade level whose primary mission is direct ground combat. Other exclusions also are permissible, for example in special operations missions and aboard submarines. These exclusions have been the subject of debate for decades, but the United States is not going to let a CEDAW Committee tell it how to fight and win wars.

2. Eliminating Mother’s Day

- ▶ **CEDAW Committee:** *“The Committee is concerned by the continuing prevalence of sex-role stereotypes and by the reintroduction of such symbols as a Mothers’ Day and a Mothers’ Award, which it sees as encouraging women’s traditional roles.”* (CEDAW Committee, 22nd Sess. (2000), “Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Belarus,” Para. 361.)
- ▶ **U.S. Policy:** Mother’s Day has been celebrated throughout the United States since 1914. The Congress of the United States set aside the second Sunday in May to show “public expression of love and reverence for the mothers of the United States.” 36 U.S.C. §117. The people of this country, like the vast majority of people on this planet, do not believe that motherhood is a “sex-role stereotype.”

3. Legalization of Prostitution

- ▶ **CEDAW Committee:** *“The Committee is concerned that prostitution, which is often a result of poverty and economic deprivation, is illegal in China. The Committee recommends decriminalization of prostitution.”* (CEDAW Committee, 20th Sess. (1999), “Concluding Observations of the Committee on the Elimination of Discrimination Against Women: China,” Para. 288-289.)

- ▶ **U.S. Policy:** Prostitution is banned in every state in the Union but one (and that one allows counties to ban it). The U.N. Committee thinks this long-standing policy is ill-advised. In its view, prostitution empowers women.

4. Legalization of Abortion

- ▶ **CEDAW Committee:** “[T]he Committee is concerned that, with very limited exceptions, abortion remains illegal in Ireland. . . . The Committee urges the Government to facilitate a national dialogue on women's reproductive rights, including on the restrictive abortion laws.” (CEDAW Committee, 21st Sess. (1999), “Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Ireland”, Para. 185-186.)
- ▶ **U.S. Policy:** Abortion is perhaps the most controversial issue in American politics. At the present time, the American law may generally be summarized as follows: The state may not restrict an adult woman’s access to abortion, but it may refuse to pay for an abortion, prohibit abortions within its health care facilities, and require minors to notify their parents before obtaining an abortion. CEDAW will insert the United Nations into this highly divisive subject . . . and it will do so with a strong antipathy against religious viewpoints. For example, the CEDAW Committee has written, “*The Committee expresses concern that there is evidence that church-related organizations adversely influence the Government's policies concerning women and thereby impede full implementation of the Convention.*” (CEDAW Committee, 18th Sess. (1998), “Concluding Observations of the Comm. on the Elimination of Discrimination Against Women: Croatia,” Para. 108.)

CEDAW Threatens the Laws of the United States

Some current CEDAW member states like Iraq, Saudi Arabia, North Korea, and China do not abide by the terms of the treaty – in truth, some CEDAW member states treat women poorly indeed. As a result, some proponents of CEDAW contend that the United States can ratify it and not see major changes to our laws. Yet if this is true, then why even ratify the treaty? More likely, should the United States choose to ratify CEDAW, other CEDAW member states would gladly take the opportunity to use the CEDAW Committee to impose their definitions of “women’s rights” upon us.

While the CEDAW Committee has no legal authority to enforce its rulings on member states, the U.S. judicial system would provide the CEDAW Committee with an effective avenue to advance its agenda. In fact, the American Bar Association (ABA) already has published *The CEDAW Assessment Tool*, a document instructing lawyers and judges how they should implement and interpret CEDAW.

Treaties ratified by the Senate are binding on the people of the United States. Article VI of the

U.S. Constitution states: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.” Are the American people willing to be governed by CEDAW?

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